

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
NO: 3:93-CR-00058-3-BR  
NO. 5:16-CV-659-BR

LYNDELL THOMAS )  
 )  
 )  
 v. )  
 ) ORDER  
 UNITED STATES OF AMERICA )  
 )

On 30 June 2016, the court received petitioner's 28 U.S.C. § 2255 motion. (DE # 117.) By order of 7 July 2016, the court directed petitioner to file the motion on the proper form within 14 days and warned petitioner that failure to do so may result in the dismissal of this action or the striking of the motion. (DE # 119.) Petitioner has not filed anything in response to the order. The court also recognizes that because petitioner has previously filed a § 2255 motion, he must seek authorization from the Court of Appeals to file a second or successive § 2255 motion. 28 U.S.C. §§ 2244(b), 2255(h). To the court's knowledge, petitioner has not obtained such authorization.

For the foregoing reasons, the § 2255 motion is DISMISSED WITHOUT PREJUDICE. The court finds that petitioner has not made "a substantial showing of the denial of a constitutional right." 28 U.S.C. § 2253(c)(2). Pursuant to Rule 11(a) of the Rules Governing Section 2255 Proceedings, a certificate of appealability is DENIED.

This 5 August 2016.



W. Earl Britt  
Senior U.S. District Judge